

CLOSED

**United States District Court
Western District of Michigan (Southern Division (1))
CIVIL DOCKET FOR CASE #: 1:11-cv-01059-PLM**

Dreger v. United States Department of Health and Human
Services et al
Assigned to: Chief Judge Paul L. Maloney
Cause: 05:552 Freedom of Information Act

Date Filed: 10/03/2011
Date Terminated: 06/13/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

plaintiff

Alice Dreger
Ph.D.

represented by **Thaddeus E. Morgan**
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V.

defendant

**United States Department of Health
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defendant

Food and Drug Administration

represented by **Ryan D. Cobb**
(See above for address)
ATTORNEY TO BE NOTICED

defendant

Office for Human Research Protections
TERMINATED: 06/03/2013

represented by **Ryan D. Cobb**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/2011	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services filed by Alice Dreger (Attachments: # <u>1</u> Exhibit A,

		# <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibits D thru F, # <u>5</u> Exhibits G and H)(mrs) (Additional attachment(s) added on 1/5/2012: # <u>6</u> Civil Cover Sheet) (mrs). (Entered: 10/05/2011)
10/03/2011		RECEIPT: in the amount of \$350.00, receipt number LN001360; for filing fee (mrs) (Entered: 10/05/2011)
10/03/2011		SUMMONS ISSUED as to defendants Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services, U.S. Attorney and U.S. Attorney General (mrs) (Entered: 10/05/2011)
10/18/2011	<u>2</u>	UNOPPOSED MOTION for extension of time to <i>Answer or Otherwise Plead – expedited consideration requested</i> by defendants Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services; (Cobb, Ryan) (Entered: 10/18/2011)
10/18/2011	<u>3</u>	MEMORANDUM in support of Motion for Extension of Time, <u>2</u> filed by Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services (Attachments: # <u>1</u> Proposed Order)(Cobb, Ryan) (Entered: 10/18/2011)
10/19/2011		(NON-DOCUMENT) ORDER REFERRING UNOPPOSED MOTION for extension of time to <i>Answer or Otherwise Plead – expedited consideration requested</i> <u>2</u> to Magistrate Judge Paul L. Maloney pursuant to 28 U.S.C. 636(b)(1)(A)(Chief Judge Paul L. Maloney, acr) (Entered: 10/19/2011)
10/19/2011		(NON-DOCUMENT) CORRECTED ORDER REFERRING UNOPPOSED MOTION for extension of time to <i>Answer or Otherwise Plead – expedited consideration requested</i> <u>2</u> to Magistrate Judge Joseph G. Scoville pursuant to 28 U.S.C. 636(b)(1)(A)(Chief Judge Paul L. Maloney, acr) (Entered: 10/19/2011)
10/19/2011	<u>4</u>	ORDER granting <u>2</u> motion for extension of time ; signed by Magistrate Judge Joseph G. Scoville (Magistrate Judge Joseph G. Scoville, kad) (Entered: 10/19/2011)
11/14/2011	<u>5</u>	SUMMONS returned executed; Commissioner of Food and Drugs served on 10/8/2011, answer due 12/05/11 (pursuant to <u>8</u>) (Burchman, Jeremy) Modified text on 11/15/2011 (bd). (Entered: 11/14/2011)
11/14/2011	<u>6</u>	SUMMONS returned executed; Office of the Attorney General served on 10/11/2011, answer due 12/05/11 (pursuant to <u>8</u>) (Burchman, Jeremy) Modified text on 11/15/2011 (bd). (Entered: 11/14/2011)
11/14/2011	<u>7</u>	SUMMONS returned executed; Office for Human Research Protections served on 10/11/11; answer due 12/05/11 (pursuant to <u>8</u>)(Burchman, Jeremy) Modified text on 11/15/2011 (bd). (Entered: 11/14/2011)
11/14/2011	<u>8</u>	SUMMONS returned executed; United States Attorney served on 10/6/2011, answer due 12/05/11 (Burchman, Jeremy) Modified text on 11/15/2011 (bd). (Entered: 11/14/2011)
11/14/2011	<u>9</u>	SUMMONS returned executed; United States Department of Health and Human Services served on 10/11/2011, answer due 12/05/11 (pursuant to <u>8</u>) (Burchman, Jeremy) Modified text on 11/15/2011 (bd). (Entered: 11/14/2011)
12/07/2011	<u>10</u>	MOTION to dismiss <i>Pursuant to Rules 12(b)(1) and 12(b)(3)</i> by defendants Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services; (Cobb, Ryan) (Entered: 12/07/2011)
12/07/2011	<u>11</u>	MEMORANDUM in support of Motion to Dismiss <u>10</u> <i>Pursuant to Rules 12(b)(1) and 12(b)(3)</i> filed by Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services (Attachments: # <u>1</u> Exhibit 1 – 08/09/2010 HHS FOIA Receipt Letter, # <u>2</u> Exhibit 2 – 09/14/2010 HHS FOIA Receipt Letter, # <u>3</u> Exhibit 3 – 12/07/2010 HHS FOIA Receipt Letter, # <u>4</u> Exhibit 4 – 03/21/2011 Morgan Letter to PSC FOIA Office, # <u>5</u> Exhibit 5 – Declaration of Carol Maloney)(Cobb, Ryan) (Entered: 12/07/2011)

12/07/2011	<u>12</u>	EXHIBIT re <u>11</u> , <u>10</u> Exhibits 6 to 9 of Defendants' Memorandum of Law in Support of Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(3) by defendants Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services (Attachments: # <u>1</u> Exhibit 6 – 07/18/2011 PSC FOIA Office Letter re Receipt of Administrative Appeal, # <u>2</u> Exhibit 7 – 08/08/2011 Morgan Email to PSC FOIA Office, # <u>3</u> Exhibit 8 – 08/31/2011 HHS Letter to Plaintiff's Attorney, # <u>4</u> Exhibit 9 – Declaration of Frederick J. Sadler)(Cobb, Ryan) (Entered: 12/07/2011)
01/04/2012	<u>13</u>	RESPONSE TO MOTION to dismiss Pursuant to Rules 12(b)(1) and 12(b)(3) <u>10</u> Oral Argument Requested filed by Alice Dreger (Burchman, Jeremy) Modified text on 1/5/2012 (bd). (Entered: 01/04/2012)
01/13/2012	<u>14</u>	PROPOSED STIPULATION and ORDER for Leave to File 1st Amended Complaint by plaintiff Alice Dreger (Burchman, Jeremy) (Entered: 01/13/2012)
01/17/2012		(NON-DOCUMENT) ORDER REFERRING PROPOSED STIPULATION and ORDER for Leave to File 1st Amended Complaint by plaintiff Alice Dreger <u>14</u> to Magistrate Judge Joseph G. Scoville pursuant to 28 U.S.C. 636(b)(1)(A)(Chief Judge Paul L. Maloney, acr) (Entered: 01/17/2012)
01/19/2012	<u>15</u>	ORDER: proposed STIPULATION for leave to file first amended complaint <u>14</u> is DISAPPROVED; signed by Magistrate Judge Joseph G. Scoville (Magistrate Judge Joseph G. Scoville, mmh) (Entered: 01/19/2012)
01/23/2012	<u>16</u>	REPLY to response to motion <u>10</u> Defendants' Reply to Plaintiff's Response to Defendants' Motion to Dismiss filed by Food and Drug Administration, Office for Human Research Protections, United States Department of Health and Human Services (Cobb, Ryan) (Entered: 01/23/2012)
04/16/2013	<u>17</u>	OPINION AND ORDER granting in part and denying in part <u>10</u> Defendants' motion to dismiss; signed by Chief Judge Paul L. Maloney (Chief Judge Paul L. Maloney, kw) (Entered: 04/16/2013)
05/20/2013	<u>18</u>	ORDER TO SHOW CAUSE: plaintiff shall either file an amended complaint within 14 days or show cause in writing why case should not be dismissed for improper venue; signed by Chief Judge Paul L. Maloney (Chief Judge Paul L. Maloney, acr) (Entered: 05/20/2013)
05/31/2013	<u>19</u>	First AMENDED COMPLAINT for declaratory and injunctive relief against Food and Drug Administration, United States Department of Health and Human Services filed by Alice Dreger (Attachments: # <u>1</u> Index, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D)(Burchman, Jeremy) Modified text and filers on 6/3/2013 (bd). (Entered: 05/31/2013)
05/31/2013	<u>20</u>	EXHIBITS E, F & G re <u>19</u> by plaintiff Alice Dreger (Attachments: # <u>1</u> Exhibit F, # <u>2</u> Exhibit G)(Burchman, Jeremy) Modified text on 6/3/2013 (bd). (Entered: 05/31/2013)
06/13/2013	<u>21</u>	NOTICE OF VOLUNTARY DISMISSAL of case filed by plaintiff Alice Dreger (Burchman, Jeremy) (Entered: 06/13/2013)